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# HOUSE BILL No. 1690

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-6; IC 10-13; IC 11-8; IC 11-13-3-4; IC 31-19-11-1; IC 31-34-1-8.5; IC 35-33-8-3.5; IC 35-38; IC 35-42-4; IC 35-43-1-2; IC 35-50; IC 36-2-13.

**Synopsis:** CHINS, sex offender, and child molester registry. Requires a person who is convicted of child selling, neglect of a dependent, or battery upon a child to register as a sex offender, violent offender, or child molester. Renames the designation of "sex offender" to "sex offender or child molester" and renames the designation of "sex or violent offender" to "sex offender, violent offender, or child molester." Provides that a child is a child in need of services (CHINS) if the child resides in Indiana and the child: (1) is found to be a CHINS in another jurisdiction; (2) commits an act in another jurisdiction that would make the child a CHINS if the act were committed in Indiana; and (3) is subject to acts or conditions in another jurisdiction in which the child would be considered a CHINS if the acts or conditions were to take place in Indiana. Allows a court to order a person to register as a sex offender as a condition of probation for not longer than five years. Makes conforming changes.

**Effective:** July 1, 2009.

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## Crouch, Riecken

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January 16, 2009, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1690

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.107-2008,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2009]: Sec. 3. The institute is established to do the following:

- 4 (1) Evaluate state and local programs associated with:  
5 (A) the prevention, detection, and solution of criminal  
6 offenses;  
7 (B) law enforcement; and  
8 (C) the administration of criminal and juvenile justice.  
9 (2) Improve and coordinate all aspects of law enforcement,  
10 juvenile justice, and criminal justice in this state.  
11 (3) Stimulate criminal and juvenile justice research.  
12 (4) Develop new methods for the prevention and reduction of  
13 crime.  
14 (5) Prepare applications for funds under the Omnibus Act and the  
15 Juvenile Justice Act.  
16 (6) Administer victim and witness assistance funds.  
17 (7) Administer the traffic safety functions assigned to the institute



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under IC 9-27-2.

(8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.

(9) Serve as the criminal justice statistical analysis center for this state.

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex ~~or offender~~, violent offender, **or child molester** registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

(12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

(13) Establish, maintain, and operate, subject to specific appropriation by the general assembly, a web site containing a list of properties (as defined in IC 5-2-6-19(b)) that have been used as the site of a methamphetamine laboratory.

(14) Develop and manage the gang crime witness protection program established by section 21 of this chapter.

(15) Identify grants and other funds that can be used to fund the gang crime witness protection program.

(16) After December 31, 2008, administer the licensing of:

(A) commercial driver training schools; and

(B) instructors at commercial driver training schools.

SECTION 2. IC 5-2-6-14, AS AMENDED BY P.L.216-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) The victim and witness assistance fund is established. The institute shall administer the fund. Except as provided in subsection (e), expenditures from the fund may be made only in accordance with appropriations made by the general assembly.

(b) The source of the victim and witness assistance fund is the family violence and victim assistance fund established by IC 12-18-5-2.

(c) The institute may use money from the victim and witness assistance fund when awarding a grant or entering into a contract under this chapter, if the money is used for the support of a program in the office of a prosecuting attorney or in a state or local law enforcement agency designed to:

(1) help evaluate the physical, emotional, and personal needs of a victim resulting from a crime, and counsel or refer the victim to

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those agencies or persons in the community that can provide the services needed;

(2) provide transportation for victims and witnesses of crime to attend proceedings in the case when necessary; or

(3) provide other services to victims or witnesses of crime when necessary to enable them to participate in criminal proceedings without undue hardship or trauma.

(d) Money in the victim and witness assistance fund at the end of a particular fiscal year does not revert to the general fund.

(e) The institute may use money in the fund to:

(1) pay the costs of administering the fund, including expenditures for personnel and data;

(2) support the registration of sex ~~or~~ **offenders**, violent offenders, **and child molesters** under IC 11-8-8 and the Indiana sex ~~and~~ **offender**, violent offender, **and child molester** registry established under IC 36-2-13-5.5;

(3) provide training for persons to assist victims; and

(4) establish and maintain a victim notification system under IC 11-8-7 if the department of correction establishes the system.

SECTION 3. IC 10-13-3-5, AS AMENDED BY P.L.216-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) As used in this chapter, "criminal history data" means information collected by criminal justice agencies, the United States Department of Justice for the department's information system, or individuals.

(b) The term consists of the following:

(1) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.

(2) Information, including a photograph, regarding a sex ~~or~~ **offender**, violent offender, **or child molester** (as defined in IC 11-8-8-5) obtained through sex ~~or~~ **offender**, violent offender, **or child molester** registration under IC 11-8-8.

(3) Any disposition, including sentencing, and correctional system intake, transfer, and release.

(4) A photograph of the person who is the subject of the information described in subdivisions (1) through (3).

(c) The term includes fingerprint information described in section 24(f) of this chapter.

SECTION 4. IC 10-13-3-27, AS AMENDED BY P.L.146-2008, SECTION 368, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 27. (a) Except as provided in subsection (b), on request, a law enforcement agency shall release a

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limited criminal history to or allow inspection of a limited criminal history by noncriminal justice organizations or individuals only if the subject of the request:

- (1) has applied for employment with a noncriminal justice organization or individual;
- (2) has applied for a license and has provided criminal history data as required by law to be provided in connection with the license;
- (3) is a candidate for public office or a public official;
- (4) is in the process of being apprehended by a law enforcement agency;
- (5) is placed under arrest for the alleged commission of a crime;
- (6) has charged that the subject's rights have been abused repeatedly by criminal justice agencies;
- (7) is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;
- (8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;
- (9) is currently residing in a location designated by the department of child services (established by IC 31-25-1-1) or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location;
- (10) has volunteered services at a public school (as defined in IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12) that involve contact with, care of, or supervision over a student enrolled in the school;
- (11) is being investigated for welfare fraud by an investigator of the division of family resources or a local office of the division of family resources;
- (12) is being sought by the parent locator service of the child support bureau of the department of child services;
- (13) is or was required to register as a sex ~~or~~ **offender**, violent offender, **or child molester** under IC 11-8-8; or
- (14) has been convicted of any of the following:
  - (A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
  - (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.
  - (C) Child molesting (IC 35-42-4-3).
  - (D) Child exploitation (IC 35-42-4-4(b)).

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- (E) Possession of child pornography (IC 35-42-4-4(c)).
- (F) Vicarious sexual gratification (IC 35-42-4-5).
- (G) Child solicitation (IC 35-42-4-6).
- (H) Child seduction (IC 35-42-4-7).
- (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
- (J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

- (1) Federally chartered or insured banking institutions.
- (2) Officials of state and local government for any of the following purposes:
  - (A) Employment with a state or local governmental entity.
  - (B) Licensing.
- (3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who knowingly or intentionally uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 5. IC 10-13-3-30, AS AMENDED BY P.L.216-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 30. (a) Except as provided in subsection (c), on request for release or inspection of a limited criminal history, law enforcement agencies may, if the agency has complied with the reporting requirements in section 24 of this chapter, and the department shall do the following:

- (1) Require a form, provided by law enforcement agencies and the department, to be completed. The form shall be maintained for two (2) years and shall be available to the record subject upon request.
- (2) Collect a three dollar (\$3) fee to defray the cost of processing a request for inspection.
- (3) Collect a seven dollar (\$7) fee to defray the cost of processing a request for release. However, law enforcement agencies and the department may not charge the fee for requests received from the parent locator service of the child support bureau of the department of child services.

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(b) Law enforcement agencies and the department shall edit information so that the only information released or inspected is information that:

- (1) has been requested; and
- (2) is limited criminal history information.

(c) The fee required under subsection (a) shall be waived if the request relates to the registration of sex ~~or~~ **offenders**, violent offenders, **or child molesters** under IC 11-8-8 or the Indiana sex ~~and~~ **offender**, violent offender, **and child molester** registry under IC 36-2-13-5.5 or concerns a person required to register as a sex ~~or~~ **offender**, violent offender, **or child molester** under IC 11-8-8.

SECTION 6. IC 10-13-4-4, AS AMENDED BY P.L.216-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. As used in this chapter, "juvenile history data" means information collected by criminal or juvenile justice agencies or individuals about a child who is alleged to have committed a reportable act and consists of the following:

- (1) Descriptions and notations of events leading to the taking of the child into custody by a juvenile justice agency for a reportable act allegedly committed by the child.
- (2) A petition alleging that the child is a delinquent child.
- (3) Dispositional decrees concerning the child that are entered under IC 31-37-19 (or IC 31-6-4-15.9 before its repeal).
- (4) The findings of a court determined after a hearing is held under IC 31-37-20-2 or IC 31-37-20-3 (or IC 31-6-4-19(h) or IC 31-6-4-19(i) before their repeal) concerning the child.
- (5) Information:
  - (A) regarding a child who has been adjudicated a delinquent child for committing an act that would be an offense described in IC 11-8-8-5 if committed by an adult; and
  - (B) that is obtained through sex ~~or~~ **offender**, violent offender, **and child molester** registration under IC 11-8-8.

SECTION 7. IC 11-8-2-12.4, AS AMENDED BY P.L.216-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12.4. The department shall do the following:

- (1) Maintain the Indiana sex ~~and~~ **offender**, violent offender, **and child molester** registry established under IC 36-2-13-5.5. The department shall ensure that a sex offender's, **violent offender's**, **or child molester's** Social Security number remains unavailable to the public.
- (2) Prescribe and approve a format for sex ~~or~~ **offender**, violent offender, **and child molester** registration as required by

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IC 11-8-8.

(3) Provide:

- (A) judges;
- (B) law enforcement officials;
- (C) prosecuting attorneys;
- (D) parole officers;
- (E) probation officers; and
- (F) community corrections officials;

with information and training concerning the requirements of IC 11-8-8 and the use of the Indiana sex ~~and~~ **offender**, violent offender, **and child molester** registry.

(4) Upon request of a neighborhood association:

- (A) transmit to the neighborhood association information concerning sex ~~or~~ **offenders**, violent offenders, **and child molesters** who reside near the location of the neighborhood association; or
- (B) provide instructional materials concerning the use of the Indiana sex ~~and~~ **offender**, violent offender, **and child molester** registry to the neighborhood association.

(5) Maintain records on every sex ~~or~~ **offender**, violent offender, **or child molester** who:

- (A) is incarcerated;
- (B) has relocated out of state; and
- (C) is no longer required to register due to the expiration of the sex ~~or~~ **offender's**, violent offender's **and child's molester's** registration period.

SECTION 8. IC 11-8-8-3, AS AMENDED BY P.L.216-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. As used in this chapter, "principal residence" means the residence where a sex ~~or~~ **offender**, violent offender, **or child molester** spends the most time. The term includes a residence owned or leased by another person if the sex ~~or~~ **offender**, violent offender, **or child molester**:

- (1) does not own or lease a residence; or
- (2) spends more time at the residence owned or leased by the other person than at the residence owned or leased by the sex ~~or~~ **offender**, violent offender, **or child molester**.

SECTION 9. IC 11-8-8-4.5, AS ADDED BY P.L.216-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender **or child molester**" means a person convicted of any of the following offenses:

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- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9), unless:
  - (A) the person is convicted of sexual misconduct with a minor as a Class C felony;
  - (B) the person is not more than:
    - (i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
    - (ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
  - (C) the sentencing court finds that the person should not be required to register as a sex offender **or child molester**.
- (9) Incest (IC 35-46-1-3).
- (10) Sexual battery (IC 35-42-4-8).
- (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
- (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
- (13) Possession of child pornography (IC 35-42-4-4(c)).
- (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.
- (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.
- (16) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).
- (17) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less than eighteen (18) years of age.
- (18) Child selling (IC 35-46-1-4(d)).**
- (19) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).**
- (20) Battery upon a child (IC 35-42-2-1(a)(2)(B)).**
- ~~(18)~~ **(21)** An attempt or conspiracy to commit a crime listed in subdivisions (1) through ~~(17)~~: **(20)**.
- ~~(19)~~ **(22)** A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any

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of the offenses listed in subdivisions (1) through ~~(18)~~. **(21)**.

(b) The term includes:

(1) a person who is required to register as a sex offender **or child molester** in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 10. IC 11-8-8-5, AS AMENDED BY P.L.216-2007, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex ~~or~~ offender, violent offender, **or child molester**" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2).

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9), unless:

(A) the person is convicted of sexual misconduct with a minor as a Class C felony;

(B) the person is not more than:

(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or

(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and

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- 1 (C) the sentencing court finds that the person should not be  
 2 required to register as a sex offender.  
 3 (9) Incest (IC 35-46-1-3).  
 4 (10) Sexual battery (IC 35-42-4-8).  
 5 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen  
 6 (18) years of age, and the person who kidnapped the victim is not  
 7 the victim's parent or guardian.  
 8 (12) Criminal confinement (IC 35-42-3-3), if the victim is less  
 9 than eighteen (18) years of age, and the person who confined or  
 10 removed the victim is not the victim's parent or guardian.  
 11 (13) Possession of child pornography (IC 35-42-4-4(c)).  
 12 (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.  
 13 (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the  
 14 victim is less than eighteen (18) years of age.  
 15 (16) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).  
 16 (17) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less  
 17 than eighteen (18) years of age.  
 18 (18) Murder (IC 35-42-1-1).  
 19 (19) Voluntary manslaughter (IC 35-42-1-3).  
 20 **(20) Child selling (IC 35-46-1-4(d)).**  
 21 **(21) Neglect of a dependent (IC 35-46-1-4(a)(1) and**  
 22 **IC 35-46-1-4(a)(2)).**  
 23 **(22) Battery upon a child (IC 35-42-2-1(a)(2)(B)).**  
 24 ~~(20)~~ **(23)** An attempt or conspiracy to commit a crime listed in  
 25 subdivisions (1) through ~~(19)~~: **(22)**.  
 26 ~~(21)~~ **(24)** A crime under the laws of another jurisdiction,  
 27 including a military court, that is substantially equivalent to any  
 28 of the offenses listed in subdivisions (1) through ~~(20)~~: **(23)**.  
 29 (b) The term includes:  
 30 (1) a person who is required to register as a sex ~~or~~ **offender**,  
 31 violent offender, **or child molester** in any jurisdiction; and  
 32 (2) a child who has committed a delinquent act and who:  
 33 (A) is at least fourteen (14) years of age;  
 34 (B) is on probation, is on parole, is discharged from a facility  
 35 by the department of correction, is discharged from a secure  
 36 private facility (as defined in IC 31-9-2-115), or is discharged  
 37 from a juvenile detention facility as a result of an adjudication  
 38 as a delinquent child for an act that would be an offense  
 39 described in subsection (a) if committed by an adult; and  
 40 (C) is found by a court by clear and convincing evidence to be  
 41 likely to repeat an act that would be an offense described in  
 42 subsection (a) if committed by an adult.

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(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 11. IC 11-8-8-7, AS AMENDED BY P.L.119-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) Subject to section 19 of this chapter, the following persons must register under this chapter:

(1) A sex ~~or~~ **offender**, violent offender, **or child molester** who resides in Indiana. A sex ~~or~~ **offender**, violent offender, **or child molester** resides in Indiana if either of the following applies:

(A) The sex ~~or~~ **offender**, violent offender, **or child molester** spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.

(B) The sex ~~or~~ **offender**, violent offender, **or child molester** owns real property in Indiana and returns to Indiana at any time.

(2) A sex ~~or~~ **offender**, violent offender, **or child molester** who works or carries on a vocation or intends to work or carry on a vocation full-time or part-time for a period:

(A) exceeding seven (7) consecutive days; or

(B) for a total period exceeding fourteen (14) days;

during any calendar year in Indiana regardless of whether the sex ~~or~~ **offender**, violent offender, **or child molester** is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) A sex ~~or~~ **offender**, violent offender, **or child molester** who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or postsecondary educational institution.

(b) Except as provided in subsection (e), a sex ~~or~~ **offender**, violent offender, **or child molester** who resides in Indiana shall register with the local law enforcement authority in the county where the sex or violent offender resides. If a sex ~~or~~ **offender**, violent offender, **or child molester** resides in more than one (1) county, the sex ~~or~~ **offender**, violent offender, **or child molester** shall register with the local law enforcement authority in each county in which the sex ~~or~~ **offender**, violent offender, **or child molester** resides. If the sex ~~or~~ **offender**, violent offender, **or child molester** is also required to register under subsection (a)(2) or (a)(3), the sex ~~or~~ **offender**, violent offender, **or**

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1 **child molester** shall also register with the local law enforcement  
2 authority in the county in which the offender is required to register  
3 under subsection (c) or (d).

4 (c) A sex ~~or~~ **offender**, violent offender, **or child molester** described  
5 in subsection (a)(2) shall register with the local law enforcement  
6 authority in the county where the sex ~~or~~ **offender**, violent offender, **or**  
7 **child molester** is or intends to be employed or carry on a vocation. If  
8 a sex ~~or~~ **offender**, violent offender, **or child molester** is or intends to  
9 be employed or carry on a vocation in more than one (1) county, the  
10 sex ~~or~~ **offender**, violent offender, **or child molester** shall register with  
11 the local law enforcement authority in each county. If the sex ~~or~~  
12 **offender**, violent offender, **or child molester** is also required to  
13 register under subsection (a)(1) or (a)(3), the sex ~~or~~ **offender**, violent  
14 offender, **or child molester** shall also register with the local law  
15 enforcement authority in the county in which the offender is required  
16 to register under subsection (b) or (d).

17 (d) A sex ~~or~~ **offender**, violent offender, **or child molester** described  
18 in subsection (a)(3) shall register with the local law enforcement  
19 authority in the county where the sex ~~or~~ **offender**, violent offender, **or**  
20 **child molester** is enrolled or intends to be enrolled as a student. If the  
21 sex ~~or~~ **offender**, violent offender, **or child molester** is also required to  
22 register under subsection (a)(1) or (a)(2), the sex ~~or~~ **offender**, violent  
23 offender, **or child molester** shall also register with the local law  
24 enforcement authority in the county in which the offender is required  
25 to register under subsection (b) or (c).

26 (e) A sex ~~or~~ **offender**, violent offender, **or child molester** described  
27 in subsection (a)(1)(B) shall register with the local law enforcement  
28 authority in the county in which the real property is located. If the sex  
29 ~~or~~ **offender**, violent offender, **or child molester** is also required to  
30 register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex ~~or~~  
31 **offender**, violent offender, **or child molester** shall also register with  
32 the local law enforcement authority in the county in which the offender  
33 is required to register under subsection (b), (c), or (d).

34 (f) A sex ~~or~~ **offender**, violent offender, **or child molester**  
35 committed to the department shall register with the department before  
36 the sex ~~or~~ **offender**, violent offender, **or child molester** is released  
37 from incarceration. The department shall forward the sex ~~or~~ **offender's**,  
38 violent offender's, **or child molester's** registration information to the  
39 local law enforcement authority of every county in which the sex ~~or~~  
40 **offender**, violent offender, **or child molester** is required to register.

41 (g) This subsection does not apply to a sex ~~or~~ **offender**, violent  
42 offender, **or child molester** who is a sexually violent predator. A sex

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1 **or offender, violent offender, or child molester** not committed to the  
 2 department shall register not more than seven (7) days after the sex **or**  
 3 **offender, violent offender, or child molester:**

- 4 (1) is released from a penal facility (as defined in IC 35-41-1-21);
- 5 (2) is released from a secure private facility (as defined in
- 6 IC 31-9-2-115);
- 7 (3) is released from a juvenile detention facility;
- 8 (4) is transferred to a community transition program;
- 9 (5) is placed on parole;
- 10 (6) is placed on probation;
- 11 (7) is placed on home detention; or
- 12 (8) arrives at the place where the sex or violent offender is
- 13 required to register under subsection (b), (c), or (d);

14 whichever occurs first. A sex **or offender, violent offender, or child**  
 15 **molester** required to register in more than one (1) county under  
 16 subsection (b), (c), (d), or (e) shall register in each appropriate county  
 17 not more than seventy-two (72) hours after the sex **or offender's,**  
 18 **violent offender's, or child molester's** arrival in that county or  
 19 acquisition of real estate in that county.

20 (h) This subsection applies to a sex **or offender, violent offender, or**  
 21 **child molester** who is a sexually violent predator. A sex **or offender,**  
 22 **violent offender, or child molester** who is a sexually violent predator  
 23 shall register not more than seventy-two (72) hours after the sex **or**  
 24 **offender, violent offender, or child molester:**

- 25 (1) is released from a penal facility (as defined in IC 35-41-1-21);
- 26 (2) is released from a secure private facility (as defined in
- 27 IC 31-9-2-115);
- 28 (3) is released from a juvenile detention facility;
- 29 (4) is transferred to a community transition program;
- 30 (5) is placed on parole;
- 31 (6) is placed on probation;
- 32 (7) is placed on home detention; or

33 (8) arrives at the place where the sexually violent predator is  
 34 required to register under subsection (b), (c), or (d);  
 35 whichever occurs first. A sex **or offender, violent offender, or child**  
 36 **molester** who is a sexually violent predator required to register in more  
 37 than one (1) county under subsection (b), (c), (d), or (e) shall register  
 38 in each appropriate county not more than seventy-two (72) hours after  
 39 the offender's arrival in that county or acquisition of real estate in that  
 40 county.

41 (i) The local law enforcement authority with whom a sex **or**  
 42 **offender, violent offender, or child molester** registers under this

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section shall make and publish a photograph of the sex ~~or~~ **offender**, violent offender, **or child molester** on the Indiana sex ~~and~~ **offender**, violent offender, **and child molester** registry web site established under IC 36-2-13-5.5. The local law enforcement authority shall make a photograph of the sex ~~or~~ **offender**, violent offender, **or child molester** that complies with the requirements of IC 36-2-13-5.5 at least once per year. The sheriff of a county containing a consolidated city shall provide the police chief of the consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex ~~or~~ **offender**, violent offender, **or child molester** photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex ~~and~~ **offender**, violent offender, **and child molester** registry web site established under IC 36-2-13-5.5.

(j) When a sex ~~or~~ **offender**, violent offender, **or child molester** registers, the local law enforcement authority shall:

- (1) immediately update the Indiana sex ~~and~~ **offender**, violent offender, **and child molester** registry web site established under IC 36-2-13-5.5;
- (2) notify every law enforcement agency having jurisdiction in the county where the sex ~~or~~ **offender**, violent offender, **or child molester** resides; and
- (3) update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and communications system (IDACS).

When a sex ~~or~~ **offender**, violent offender, **or child molester** from a jurisdiction outside Indiana registers a change of address, electronic mail address, instant messaging username, electronic chat room username, social networking web site username, employment, vocation, or enrollment in Indiana, the local law enforcement authority shall provide the department with the information provided by the sex ~~or~~ **offender**, violent offender, **or child molester** during registration.

SECTION 12. IC 11-8-8-8, AS AMENDED BY P.L.119-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The registration required under this chapter must include the following information:

- (1) The sex ~~or~~ **offender's**, violent offender's, **or child molester's** full name, alias, any name by which the sex ~~or~~ **offender**, violent

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offender, **or child molester** was previously known, date of birth, sex, race, height, weight, hair color, eye color, any scars, marks, or tattoos, Social Security number, driver's license number or state identification card number, vehicle description and vehicle plate number for any vehicle the sex **or offender**, violent offender, **or child molester** owns or operates on a regular basis, principal residence address, other address where the sex **or offender**, violent offender, **or child molester** spends more than seven (7) nights in a fourteen (14) day period, and mailing address, if different from the sex **or offender**, violent offender, **or child molester** principal residence address.

(2) A description of the offense for which the sex **or offender**, violent offender, **or child molester** was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.

(3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex **or offender's**, violent offender's, **or child molester's** employers in Indiana, the name and address of each campus or location where the sex **or offender**, violent offender, **or child molester** is enrolled in school in Indiana, and the address where the sex **or offender**, violent offender, **or child molester** stays or intends to stay while in Indiana.

(4) A recent photograph of the sex **or offender**, violent offender, **or child molester**.

(5) If the sex **or offender**, violent offender, **or child molester** is a sexually violent predator, that the sex **or offender**, violent offender, **or child molester** is a sexually violent predator.

(6) If the sex **or offender**, violent offender, **or child molester** is required to register for life, that the sex **or offender**, violent offender, **or child molester** is required to register for life.

(7) Any electronic mail address, instant messaging username, electronic chat room username, or social networking web site username that the sex **or offender**, violent offender, **or child molester** uses or intends to use.

(8) Any other information required by the department.

(b) If the sex **or offender**, violent offender, **or child molester** registers any information under subsection (a)(7), the offender shall sign a consent form authorizing the:

(1) search of the sex **or offender's**, violent offender's, **or child molester's** personal computer or device with Internet capability, at any time; and

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(2) installation on the sex ~~or~~ **offender's**, violent offender's, **or child molester's** personal computer or device with Internet capability, at the sex ~~or~~ **offender's**, violent offender's, **or child molester's** expense, of hardware or software to monitor the sex ~~or~~ **offender's**, violent offender's, **or child molester's** Internet usage.

SECTION 13. IC 11-8-8-9, AS AMENDED BY P.L.3-2008, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) Not more than seven (7) days before an Indiana sex ~~or~~ **offender**, violent offender, **or child molester** who is required to register under this chapter is scheduled to be released from a secure private facility (as defined in IC 31-9-2-115), or released from a juvenile detention facility, an official of the facility shall do the following:

(1) Orally inform the sex ~~or~~ **offender**, violent offender, **or child molester** of the sex ~~or~~ **offender's**, violent offender's, **or child molester's** duty to register under this chapter and require the sex ~~or~~ **offender**, violent offender, **or child molester** to sign a written statement that the sex ~~or~~ **offender**, violent offender, **or child molester** was orally informed or, if the sex ~~or~~ **offender**, violent offender, **or child molester** refuses to sign the statement, certify that the sex ~~or~~ **offender**, violent offender, **or child molester** was orally informed of the duty to register.

(2) Deliver a form advising the sex ~~or~~ **offender**, violent offender, **or child molester** of the sex ~~or~~ **offender's**, violent offender's, **or child molester's** duty to register under this chapter and require the sex ~~or~~ **offender**, violent offender, **or child molester** to sign a written statement that the sex ~~or~~ **offender**, violent offender, **or child molester** received the written notice or, if the sex ~~or~~ **offender**, violent offender, **or child molester** refuses to sign the statement, certify that the sex ~~or~~ **offender**, violent offender, **or child molester** was given the written notice of the duty to register.

(3) Obtain the address where the sex ~~or~~ **offender**, violent offender, **or child molester** expects to reside after the sex ~~or~~ **offender's**, violent offender's, **or child molester's** release.

(4) Transmit to the local law enforcement authority in the county where the sex ~~or~~ **offender**, violent offender, **or child molester** expects to reside the sex ~~or~~ **offender's**, violent offender's, **or child molester's** name, date of release or transfer, new address, and the offense or delinquent act committed by the sex ~~or~~ **offender**, violent offender, **or child molester**.

(b) Not more than seventy-two (72) hours after a sex ~~or~~ **offender**,

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1 violent offender, **or child molester** who is required to register under  
 2 this chapter is released or transferred as described in subsection (a), an  
 3 official of the facility shall transmit to the state police the following:

4 (1) The sex **or offender's**, violent offender's, **or child molester's**  
 5 fingerprints, photograph, and identification factors.

6 (2) The address where the sex **or offender**, violent offender, **or**  
 7 **child molester** expects to reside after the sex **or offender's**,  
 8 violent offender's, **or child molester's** release.

9 (3) The complete criminal history data (as defined in  
 10 IC 10-13-3-5) or, if the sex **or offender**, violent offender, **or child**  
 11 **molester** committed a delinquent act, juvenile history data (as  
 12 defined in IC 10-13-4-4) of the sex **or offender**, violent offender,  
 13 **or child molester**.

14 (4) Information regarding the sex **or offender's**, violent  
 15 offender's, **or child molester's** past treatment for mental  
 16 disorders.

17 (5) Information as to whether the sex **or offender**, violent  
 18 offender, **or child molester** has been determined to be a sexually  
 19 violent predator.

20 (c) This subsection applies if a sex or violent offender is placed on  
 21 probation or in a community corrections program without being  
 22 confined in a penal facility. The probation office serving the court in  
 23 which the sex **or offender**, violent offender, **or child molester** is  
 24 sentenced shall perform the duties required under subsections (a) and  
 25 (b).

26 (d) For any sex **or offender**, violent offender, **or child molester**  
 27 who is not committed to the department, the probation office of the  
 28 sentencing court shall transmit to the department a copy of:

29 (1) the sex **or offender's**, violent offender's, **or child molester's**:

30 (A) sentencing order; and

31 (B) presentence investigation; and

32 (2) any other information required by the department to make a  
 33 determination concerning sex **or offender**, violent offender, **or**  
 34 **child molester** registration.

35 SECTION 14. IC 11-8-8-11, AS AMENDED BY P.L.119-2008,  
 36 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2009]: Sec. 11. (a) If a sex **or offender**, violent offender, **or**  
 38 **child molester** who is required to register under this chapter changes:

39 (1) principal residence address; or

40 (2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the place  
 41 where the sex **or offender**, violent offender, **or child molester**  
 42 stays in Indiana;

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the sex ~~or~~ **offender**, violent offender, **or child molester** shall report in person to the local law enforcement authority having jurisdiction over the sex ~~or~~ **offender's**, violent offender's, **or child molester's** current principal address or location and, if the offender moves to a new county in Indiana, to the local law enforcement authority having jurisdiction over the sex ~~or~~ **offender's**, violent offender's, **or child molester's** new principal address or location not more than seventy-two (72) hours after the address change.

(b) If a sex ~~or~~ **offender**, violent offender, **or child molester** moves to a new county in Indiana, the local law enforcement authority where the sex ~~or~~ **offender's**, violent offender's, **or child molester's** current principal residence address is located shall inform the local law enforcement authority in the new county in Indiana of the sex ~~or~~ **offender's**, violent offender's, **or child molester's** residence and forward all relevant registration information concerning the sex ~~or~~ **offender**, violent offender, **or child molester** to the local law enforcement authority in the new county. The local law enforcement authority receiving notice under this subsection shall verify the address of the sex ~~or~~ **offender**, violent offender, **or child molester** under section 13 of this chapter not more than seven (7) days after receiving the notice.

(c) If a sex ~~or~~ **offender**, violent offender, **or child molester** who is required to register under section 7(a)(2) or 7(a)(3) of this chapter changes the sex ~~or~~ **offender's**, violent offender's, **or child molester's** principal place of employment, principal place of vocation, or campus or location where the sex ~~or~~ **offender**, violent offender, **or child molester** is enrolled in school, the sex ~~or~~ **offender**, violent offender, **or child molester** shall report in person:

(1) to the local law enforcement authority having jurisdiction over the sex ~~or~~ **offender's**, violent offender's, **or child molester's** current principal place of employment, principal place of vocation, or campus or location where the sex ~~or~~ **offender**, violent offender, **or child molester** is enrolled in school; and

(2) if the sex ~~or~~ **offender**, violent offender, **or child molester** changes the sex ~~or~~ **offender's**, violent offender's, **or child molester's** place of employment, vocation, or enrollment to a new county in Indiana, to the local law enforcement authority having jurisdiction over the sex ~~or~~ **offender's**, violent offender's, **or child molester's** new principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school;

not more than seventy-two (72) hours after the change.

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(d) If a sex ~~or~~ **offender**, violent offender, **or child molester** moves the sex ~~or~~ **offender's**, violent offender's, **or child molester's** place of employment, vocation, or enrollment to a new county in Indiana, the local law enforcement authority having jurisdiction over the sex ~~or~~ **offender's**, violent offender's, **or child molester's** current principal place of employment, principal place of vocation, or campus or location where the sex ~~or~~ **offender**, violent offender, **or child molester** is enrolled in school shall inform the local law enforcement authority in the new county of the sex ~~or~~ **offender's**, violent offender's, **or child molester's** new principal place of employment, vocation, or enrollment by forwarding relevant registration information to the local law enforcement authority in the new county.

(e) If a sex ~~or~~ **offender**, violent offender, **or child molester** moves the sex ~~or~~ **offender's**, violent offender's, **or child molester's** residence, place of employment, vocation, or enrollment to a new state, the local law enforcement authority shall inform the state police in the new state of the sex ~~or~~ **offender's**, violent offender's, **or child molester's** new place of residence, employment, vocation, or enrollment.

(f) If a sex ~~or~~ **offender**, violent offender, **or child molester** who is required to register under this chapter changes or obtains a new:

- (1) electronic mail address;
- (2) instant messaging username;
- (3) electronic chat room username; or
- (4) social networking web site username;

the sex ~~or~~ **offender**, violent offender, **or child molester** shall report in person to the local law enforcement authority having jurisdiction over the sex ~~or~~ **offender's**, violent offender's, **or child molester's** current principal address or location and shall provide the local law enforcement authority with the new address or username not more than seventy-two (72) hours after the change or creation of the address or username.

(g) A local law enforcement authority shall make registration information, including information concerning the duty to register and the penalty for failing to register, available to a sex ~~or~~ **offender**, violent offender, **or child molester**.

(h) A local law enforcement authority who is notified of a change under subsection (a), (c), or (f) shall:

- (1) immediately update the Indiana sex ~~and~~ **offender**, violent offender, **and child molester** registry web site established under IC 36-2-13-5.5;
- (2) update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and

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communications system (IDACS); and

(3) notify the department.

(i) If a sex ~~or~~ **offender**, violent offender, **or child molester** who is registered with a local law enforcement authority becomes incarcerated, the local law enforcement authority shall transmit a copy of the information provided by the sex ~~or~~ **offender**, violent offender, **or child molester** during registration to the department.

(j) If a sex ~~or~~ **offender**, violent offender, **or child molester** is no longer required to register due to the expiration of the registration period, the local law enforcement authority shall transmit a copy of the information provided by the sex ~~or~~ **offender**, violent offender, **or child molester** during registration to the department.

SECTION 15. IC 11-8-8-12, AS AMENDED BY P.L.216-2007, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) As used in this section, "temporary residence" means a residence:

(1) that is established to provide transitional housing for a person without another residence; and

(2) in which a person is not typically permitted to reside for more than thirty (30) days in a sixty (60) day period.

(b) This section applies only to a sex ~~or~~ **offender**, violent offender, **or child molester** who resides in a temporary residence. In addition to the other requirements of this chapter, a sex ~~or~~ **offender**, violent offender, **or child molester** who resides in a temporary residence shall register in person with the local law enforcement authority in which the temporary residence is located:

(1) not more than seventy-two (72) hours after the sex ~~or~~ **offender**, violent offender, **or child molester** moves into the temporary residence; and

(2) during the period in which the sex or violent offender resides in a temporary residence, at least once every seven (7) days following the sex ~~or~~ **offender's**, violent offender's, **or child molester's** initial registration under subdivision (1).

(c) A sex ~~or~~ **offender**, violent offender, **or child molester** who does not have a principal residence or temporary residence shall report in person to the local law enforcement authority in the county where the sex ~~or~~ **offender**, violent offender, **or child molester** resides at least once every seven (7) days to report an address for the location where the sex ~~or~~ **offender**, violent offender, **or child molester** will stay during the time in which the sex or violent offender lacks a principal address or temporary residence.

(d) A sex ~~or~~ **offender's**, violent offender's, **or child molester's**

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obligation to register in person once every seven (7) days terminates when the sex **or offender**, violent offender, **or child molester** no longer resides in the temporary residence or location described in subsection (c). However, all other requirements imposed on a sex **or offender**, violent offender, **or child molester** by this chapter continue in force, including the requirement that a sex **or offender**, violent offender, **or child molester** register the sex **or offender's**, violent offender's, **or child molester's** new address with the local law enforcement authority.

SECTION 16. IC 11-8-8-13, AS AMENDED BY P.L.216-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) To verify a sex **or offender's**, violent offender's, **or child molester's** current residence, the local law enforcement authority having jurisdiction over the area of the sex **or offender's**, violent offender's, **or child molester's** current principal address or location shall do the following:

(1) Mail a form that is approved or prescribed by the department to each sex **or offender**, violent offender, **or child molester** in the county at the sex **or offender's**, violent offender's, **or child molester's** listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex **or offender**, violent offender, **or child molester** is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(2) Mail a form that is approved or prescribed by the department to each sex **or offender**, violent offender, **or child molester** who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex **or offender**, violent offender, **or child molester** is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;

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- 1 (C) placed in a community corrections program;  
 2 (D) placed on parole; or  
 3 (E) placed on probation;  
 4 whichever occurs first.
- 5 (3) Personally visit each sex **or offender**, violent offender, **or**  
 6 **child molester** in the county at the sex **or offender's**, violent  
 7 offender's, **or child molester's** listed address at least one (1) time  
 8 per year, beginning seven (7) days after the local law enforcement  
 9 authority receives a notice under section 7 of this chapter or the  
 10 date the sex **or offender**, violent offender, **or child molester** is:
- 11 (A) released from a penal facility (as defined in  
 12 IC 35-41-1-21), a secure private facility (as defined in  
 13 IC 31-9-2-115), or a juvenile detention facility;  
 14 (B) placed in a community transition program;  
 15 (C) placed in a community corrections program;  
 16 (D) placed on parole; or  
 17 (E) placed on probation;  
 18 whichever occurs first.
- 19 (4) Personally visit each sex **or offender**, violent offender, **or**  
 20 **child molester** who is designated a sexually violent predator  
 21 under IC 35-38-1-7.5 at least once every ninety (90) days,  
 22 beginning seven (7) days after the local law enforcement authority  
 23 receives a notice under section 7 of this chapter or the date the sex  
 24 **or offender**, violent offender, **or child molester** is:
- 25 (A) released from a penal facility (as defined in  
 26 IC 35-41-1-21), a secure private facility (as defined in  
 27 IC 31-9-2-115), or a juvenile detention facility;  
 28 (B) placed in a community transition program;  
 29 (C) placed in a community corrections program;  
 30 (D) placed on parole; or  
 31 (E) placed on probation;  
 32 whichever occurs first.
- 33 (b) If a sex **or offender**, violent offender, **or child molester** fails to  
 34 return a signed form either by mail or in person, not later than fourteen  
 35 (14) days after mailing, or appears not to reside at the listed address,  
 36 the local law enforcement authority shall immediately notify the  
 37 department and the prosecuting attorney.
- 38 SECTION 17. IC 11-8-8-14, AS AMENDED BY P.L.216-2007,  
 39 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2009]: Sec. 14. (a) This subsection does not apply to a sex **or**  
 41 **offender**, violent offender, **or child molester** who is a sexually violent  
 42 predator. In addition to the other requirements of this chapter, a sex **or**

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**offender**, violent offender, **or child molester** who is required to register under this chapter shall, at least one (1) time per calendar year:

- (1) report in person to the local law enforcement authority;
- (2) register; and
- (3) be photographed by the local law enforcement authority;

in each location where the offender is required to register.

(b) This subsection applies to a sex ~~or~~ **offender**, violent offender, **or child molester** who is a sexually violent predator. In addition to the other requirements of this chapter, a sex ~~or~~ **offender**, violent offender, **or child molester** who is a sexually violent predator under IC 35-38-1-7.5 shall:

- (1) report in person to the local law enforcement authority;
- (2) register; and
- (3) be photographed by the local law enforcement authority in each location where the sex ~~or~~ **offender**, violent offender, **or child molester** is required to register;

every ninety (90) days.

(c) Each time a sex ~~or~~ **offender**, violent offender, **or child molester** who claims to be working or attending school registers in person, the sex ~~or~~ **offender**, violent offender, **or child molester** shall provide documentation to the local law enforcement authority providing evidence that the sex ~~or~~ **offender**, violent offender, **or child molester** is still working or attending school at the registered location.

SECTION 18. IC 11-8-8-15, AS AMENDED BY P.L.216-2007, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) A sex ~~or~~ **offender**, violent offender, **or child molester** who is a resident of Indiana shall obtain and keep in the sex ~~or~~ **offender's**, violent offender's, **or child molester's** possession:

- (1) a valid Indiana driver's license; or
- (2) a valid Indiana identification card (as described in IC 9-24-16).

(b) A sex ~~or~~ **offender**, violent offender, **or child molester** required to register in Indiana who is not a resident of Indiana shall obtain and keep in the sex ~~or~~ **offender's**, violent offender's, **or child molester's** possession:

- (1) a valid driver's license issued by the state in which the sex ~~or~~ **offender**, violent offender, **or child molester** resides; or
- (2) a valid state issued identification card issued by the state in which the sex ~~or~~ **offender**, violent offender, **or child molester** resides.

(c) A person who knowingly or intentionally violates this section commits failure of a sex ~~or~~ **offender**, violent offender, **or child**

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**molester** to possess identification, a Class A misdemeanor. However, the offense is a Class D felony if the person:

- (1) is a sexually violent predator; or
- (2) has a prior unrelated conviction:
  - (A) under this section; or
  - (B) based on the person's failure to comply with any requirement imposed on an offender under this chapter.

(d) It is a defense to a prosecution under this section that:

- (1) the person has been unable to obtain a valid driver's license or state issued identification card because less than thirty (30) days have passed since the person's release from incarceration; or
- (2) the person possesses a driver's license or state issued identification card that expired not more than thirty (30) days before the date the person violated subsection (a) or (b).

SECTION 19. IC 11-8-8-16, AS AMENDED BY P.L.216-2007, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) A sex **or offender**, violent offender, **or child molester** who is required to register under this chapter may not petition for a change of name under IC 34-28-2.

(b) If a sex **or offender**, violent offender, **or child molester** who is required to register under this chapter changes the sex **or offender's**, violent offender's, **or child molester's** name due to marriage, the sex or violent offender must register with the local law enforcement authority not more than seven (7) days after the name change.

SECTION 20. IC 11-8-8-17, AS AMENDED BY P.L.216-2007, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) A sex **or offender**, violent offender, **or child molester** who knowingly or intentionally:

- (1) fails to register when required to register under this chapter;
- (2) fails to register in every location where the sex **or offender**, violent offender, **or child molester** is required to register under this chapter;
- (3) makes a material misstatement or omission while registering as a sex **or offender**, violent offender, **or child molester** under this chapter;
- (4) fails to register in person as required under this chapter; or
- (5) does not reside at the sex **or offender's**, violent offender's, **or child molester's** registered address or location;

commits a Class D felony.

(b) The offense described in subsection (a) is a Class C felony if the sex **or offender**, violent offender, **or child molester** has a prior unrelated conviction for an offense:

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(1) under this section; or

(2) based on the person's failure to comply with any requirement imposed on a sex ~~or offender~~, violent offender, **or child molester** under this chapter or under IC 5-2-12 before its repeal.

(c) It is not a defense to a prosecution under this section that the sex ~~or offender~~, violent offender, **or child molester** was unable to pay the sex or violent offender registration fee or the sex ~~or offender~~, violent offender, **or child molester** address change fee described under IC 36-2-13-5.6.

SECTION 21. IC 11-8-8-18, AS AMENDED BY P.L.216-2007, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) A sexually violent predator who will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours shall inform the local law enforcement authority in the county where the sexually violent predator's principal address is located, in person, of the following:

(1) That the sexually violent predator will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours.

(2) The location where the sexually violent predator will be located during the absence from the sexually violent predator's principal residence.

(3) The length of time the sexually violent predator will be absent from the sexually violent predator's principal residence.

(b) A sexually violent predator who will spend more than seventy-two (72) hours in a county in which the sexually violent predator is not required to register shall inform the local law enforcement authority in the county in which the sexually violent predator is not required to register, in person, of the following:

(1) That the sexually violent predator will spend more than seventy-two (72) hours in the county.

(2) The location where the sexually violent predator will be located while spending time in the county.

(3) The length of time the sexually violent predator will remain in the county.

Upon request of the local law enforcement authority of the county in which the sexually violent predator is not required to register, the sexually violent predator shall provide the local law enforcement authority with any additional information that will assist the local law enforcement authority in determining the sexually violent predator's whereabouts during the sexually violent predator's stay in the county.

(c) A sexually violent predator who knowingly or intentionally

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violates this section commits failure to notify, a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this section based on the person's failure to comply with any requirement imposed on a sex ~~or~~ **offender**, violent offender, **or child molester** under this chapter.

SECTION 22. IC 11-8-8-19, AS AMENDED BY P.L.119-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) Except as provided in subsections (b) through (e), a sex ~~or~~ **offender**, violent offender, **or child molester** is required to register under this chapter until the expiration of ten (10) years after the date the sex ~~or~~ **offender**, violent offender, **or child molester**:

- (1) is released from a penal facility (as defined in IC 35-41-1-21) or a secure juvenile detention facility of a state or another jurisdiction;
- (2) is placed in a community transition program;
- (3) is placed in a community corrections program;
- (4) is placed on parole; or
- (5) is placed on probation;

for the sex, ~~or~~ violent, **or child molesting** offense requiring registration, whichever occurs last. The registration period is tolled during any period that the sex ~~or~~ **offender**, violent offender, **or child molester** is incarcerated. The registration period does not restart if the offender is convicted of a subsequent offense; however, if the subsequent offense is a sex, ~~or~~ violent, **or child molesting** offense, a new registration period may be imposed in accordance with this chapter. The department shall ensure that an offender who is no longer required to register as a sex ~~or~~ **offender**, violent offender, **or child molester** is notified that the obligation to register has expired.

(b) A sex ~~or~~ **offender**, violent offender, **or child molester** who is a sexually violent predator is required to register for life.

(c) A sex ~~or~~ **offender**, violent offender, **or child molester** who is convicted of at least one (1) offense under section 5(a) of this chapter that the sex ~~or~~ **offender**, violent offender, **or child molester** committed:

- (1) when the person was at least eighteen (18) years of age; and
- (2) against a victim who was less than twelve (12) years of age at the time of the crime;

is required to register for life.

(d) A sex ~~or~~ **offender**, violent offender, **or child molester** who is convicted of at least one (1) offense under section 5(a) of this chapter in which the ~~sex~~ offender:

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(1) proximately caused serious bodily injury or death to the victim;

(2) used force or the threat of force against the victim or a member of the victim's family, unless the offense is sexual battery as a Class D felony; or

(3) rendered the victim unconscious or otherwise incapable of giving voluntary consent;

is required to register for life.

(e) A sex ~~or~~ **offender**, violent offender, **or child molester** who is convicted of at least two (2) unrelated offenses under section 5(a) of this chapter is required to register for life.

(f) A person who is required to register as a sex ~~or~~ **offender**, violent offender, **or child molester** in any jurisdiction shall register for the period required by the other jurisdiction or the period described in this section, whichever is longer.

SECTION 23. IC 11-8-8-20, AS AMENDED BY P.L.3-2008, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 20. (a) The department may enter into a compact or agreement with one (1) or more jurisdictions outside Indiana to exchange notifications concerning the change of address, employment, vocation, or enrollment of a sex ~~or~~ **offender**, violent offender, **or child molester** between Indiana and the other jurisdiction or the other jurisdiction and Indiana.

(b) If the department receives information that a sex ~~or~~ **offender**, violent offender, **or child molester** has relocated to Indiana to reside, engage in employment or a vocation, or enroll in school, or that a sex ~~or~~ **offender**, violent offender, **or child molester** has been convicted in Indiana but not sentenced to the department, the department shall determine:

(1) whether the person is defined as a:

(A) sex offender **or child molester** under IC 11-8-8-4.5; or

(B) sex ~~or~~ **offender**, violent offender, **or child molester** under IC 11-8-8-5;

(2) whether the person is a sexually violent predator under IC 35-38-1-7.5;

(3) the period for which the person will be required to register as a sex ~~or~~ **offender**, violent offender, **or child molester** in Indiana; and

(4) any other matter required by law to make a registration determination.

(c) After the department has made a determination under subsection (b), the department shall update the sex ~~and~~ **offender**, violent offender,

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1 **or child molester** registry web site and transmit the department's  
 2 determination to the local law enforcement authority having  
 3 jurisdiction over the county where the sex ~~or offender~~, violent  
 4 offender, **or child molester** resides, is employed, and attends school.  
 5 The department shall transmit:

- 6 (1) the sex ~~or offender's~~, violent offender's, **or child molester's**  
 7 name, date of relocation, and new address (if applicable), the  
 8 offense or delinquent act committed by the sex ~~or offender~~,  
 9 violent offender, **or child molester**, and any other available  
 10 descriptive information;  
 11 (2) whether the sex ~~or offender~~, violent offender, **or child**  
 12 **molester** is a sexually violent predator;  
 13 (3) the period for which the sex ~~or offender~~, violent offender, **or**  
 14 **child molester** will be required to register in Indiana; and  
 15 (4) anything else required by law to make a registration  
 16 determination.

17 SECTION 24. IC 11-8-8-21, AS ADDED BY P.L.216-2007,  
 18 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2009]: Sec. 21. (a) The state sex ~~and offender~~, violent  
 20 offender, **and child molester** administration fund is established to  
 21 assist the department in carrying out its duties under IC 11-8-2-12.4  
 22 concerning the Indiana sex ~~and offender~~, violent offender, **and child**  
 23 **molester** registry. The fund shall be administered by the department.

24 (b) The expenses of administering the fund shall be paid from  
 25 money in the fund.

26 (c) The fund consists of:

- 27 (1) grants;  
 28 (2) donations;  
 29 (3) appropriations;  
 30 (4) money from the annual sex ~~or offender~~, violent offender, **or**  
 31 **child molester** registration fee (IC 36-2-13-5.6(a)(1)(A)); and  
 32 (5) money from the sex ~~or offender~~, violent offender, **or child**  
 33 **molester** address change fee (IC 36-2-13-5.6(a)(1)(B)).

34 (d) The treasurer of state shall invest the money in the fund not  
 35 currently needed to meet the obligations of the fund in the same  
 36 manner as other public money may be invested.

37 (e) Money in the fund is continually appropriated to carry out the  
 38 purposes of the fund.

39 SECTION 25. IC 11-8-8-22, AS ADDED BY P.L.216-2007,  
 40 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2009]: Sec. 22. (a) As used in this section, "offender" means  
 42 a sex offender **or child molester** (as defined in section 4.5 of this

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chapter) and a sex ~~or~~ **offender**, violent offender, **or child molester** (as defined in section 5 of this chapter).

(b) This section applies to an offender required to register under this chapter if, due to a change in federal or state law after June 30, 2007, an individual who engaged in the same conduct as the offender:

- (1) would not be required to register under this chapter; or
- (2) would be required to register under this chapter but under less restrictive conditions than the offender is required to meet.

(c) A person to whom this section applies may petition a court to:

- (1) remove the person's designation as an offender; or
- (2) require the person to register under less restrictive conditions.

(d) After receiving a petition under this section, the court may:

- (1) summarily dismiss the petition; or
- (2) give notice to the prosecuting attorney and set the matter for hearing.

(e) A court may grant a petition under this section if, following a hearing, the court makes the following findings:

- (1) The law requiring the petitioner to register as an offender has changed since the date on which the petitioner was initially required to register.
- (2) If the petitioner who was required to register as an offender before the change in law engaged in the same conduct after the change in law occurred, the petitioner would:
  - (A) not be required to register as an offender; or
  - (B) be required to register as an offender, but under less restrictive conditions.
- (3) If the petitioner seeks relief under this section because a change in law makes a previously unavailable defense available to the petitioner, that the petitioner has proved the defense.

The court has the discretion to deny a petition under this section, even if the court makes the findings under this subsection.

(f) The petitioner has the burden of proof in a hearing under this section.

(g) If the court grants a petition under this section, the court shall notify:

- (1) the victim of the offense, if applicable;
- (2) the department of correction; and
- (3) the local law enforcement authority of the county in which the petitioner resides.

SECTION 26. IC 11-13-3-4, AS AMENDED BY P.L.46-2008, SECTION 1, AND AS AMENDED BY P.L.119-2008, SECTION 10, IS CORRECTED AND AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2009]: Sec. 4. (a) A condition to remaining on parole is that the parolee not commit a crime during the period of parole.

(b) The parole board may also adopt, under IC 4-22-2, additional conditions to remaining on parole and require a parolee to satisfy one (1) or more of these conditions. These conditions must be reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.

(c) If a person is released on parole, the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:

- (1) retained by the parolee;
- (2) forwarded to any person charged with the parolee's supervision; and
- (3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.

(e) As a condition of parole, the parole board may require the parolee to reside in a particular parole area. In determining a parolee's residence requirement, the parole board shall:

- (1) consider:
  - (A) the residence of the parolee prior to the parolee's incarceration; and
  - (B) the parolee's place of employment; and
- (2) assign the parolee to reside in the county where the parolee resided prior to the parolee's incarceration unless assignment on this basis would be detrimental to the parolee's successful reintegration into the community.

(f) As a condition of parole, the parole board may require the parolee to:

- (1) periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of tests to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9); and
- (2) have the results of any test under this subsection reported to the parole board by the laboratory.

The parolee is responsible for any charges resulting from a test required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

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- (g) As a condition of parole, the parole board:
- (1) may require a parolee who is a sex offender **or child molester** (as defined in IC 11-8-8-4.5) to:
    - (A) participate in a treatment program for sex offenders approved by the parole board; and
    - (B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:
      - (i) receives the parole board's approval; or
      - (ii) successfully completes the treatment program referred to in clause (A); and
  - (2) shall:
    - (A) require a parolee who is a sex ~~or~~ **offender**, violent offender, **or child molester** (as defined in IC 11-8-8-5) to register with a local law enforcement authority under IC 11-8-8;
    - (B) prohibit a parolee who is a sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of parole, unless the sex offender obtains written approval from the parole board;
    - (C) prohibit a parolee who is a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the sex offender's sex offense unless the sex offender obtains a waiver under IC 35-38-2-2.5;

*and*

    - (D) prohibit a parolee who is a sex offender from owning, operating, managing, being employed by, or volunteering at any attraction designed to be primarily enjoyed by children less than sixteen (16) years of age;
    - (E) *require a parolee who is a sex offender to consent:*
      - (i) *to the search of the sex offender's personal computer at any time; and*
      - (ii) *to the installation on the sex offender's personal computer or device with Internet capability, at the sex offender's expense, of one (1) or more hardware or software systems to monitor Internet usage; and*
    - (F) *prohibit the sex offender from:*
      - (i) *accessing or using certain web sites, chat rooms, or instant messaging programs frequented by children; and*
      - (ii) *deleting, erasing, or tampering with information on the sex offender's personal computer with intent to conceal an activity prohibited by item (i).*

The parole board may not grant a sexually violent predator (as defined

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in IC 35-38-1-7.5) or a sex offender who is an offender against children under IC 35-42-4-11 a waiver under subdivision (2)(B) or (2)(C). If the parole board allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

(h) The address of the victim of a parolee who is a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential, even if the sex offender obtains a waiver under IC 35-38-2-2.5.

(i) As a condition of parole, the parole board may require a parolee to participate in a reentry court program.

(j) As a condition of parole, the parole board:

(1) shall require a parolee who is a sexually violent predator under IC 35-38-1-7.5; and

(2) may require a parolee who is a sex ~~or~~ **offender**, violent offender, **or child molester** (as defined in IC 11-8-8-5); to wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location.

(k) As a condition of parole, the parole board may prohibit, in accordance with IC 35-38-2-2.6, a parolee who has been convicted of stalking from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.

*(l) A parolee may be responsible for the reasonable expenses, as determined by the department, of the parolee's participation in a treatment or other program required as a condition of parole under this section. However, a person's parole may not be revoked solely on the basis of the person's inability to pay for a program required as a condition of parole under this section.*

SECTION 27. IC 31-19-11-1, AS AMENDED BY P.L.3-2008, SECTION 238, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Whenever the court has heard the evidence and finds that:

(1) the adoption requested is in the best interest of the child;

(2) the petitioner or petitioners for adoption are of sufficient ability to rear the child and furnish suitable support and education;

(3) the report of the investigation and recommendation under IC 31-19-8-5 has been filed;

(4) the attorney or agency arranging an adoption has filed with the

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1 court an affidavit prepared by the state department of health under  
 2 IC 31-19-5-16 indicating whether a man is entitled to notice of the  
 3 adoption because the man has registered with the putative father  
 4 registry in accordance with IC 31-19-5;

5 (5) proper notice arising under subdivision (4), if notice is  
 6 necessary, of the adoption has been given;

7 (6) the attorney or agency has filed with the court an affidavit  
 8 prepared by the state department of health under:

9 (A) IC 31-19-6 indicating whether a record of a paternity  
 10 determination; or

11 (B) IC 16-37-2-2(g) indicating whether a paternity affidavit  
 12 executed under IC 16-37-2-2.1;

13 has been filed in relation to the child;

14 (7) proper consent, if consent is necessary, to the adoption has  
 15 been given;

16 (8) the petitioner for adoption is not prohibited from adopting the  
 17 child as the result of an inappropriate criminal history described  
 18 in subsection (c) or (d); and

19 (9) the person, licensed child placing agency, or county office of  
 20 family and children that has placed the child for adoption has  
 21 provided the documents and other information required under  
 22 IC 31-19-17 to the prospective adoptive parents;

23 the court shall grant the petition for adoption and enter an adoption  
 24 decree.

25 (b) A court may not grant an adoption unless the state department  
 26 of health's affidavit under IC 31-19-5-16 is filed with the court as  
 27 provided under subsection (a)(4).

28 (c) A conviction of a felony or a misdemeanor related to the health  
 29 and safety of a child by a petitioner for adoption is a permissible basis  
 30 for the court to deny the petition for adoption. In addition, the court  
 31 may not grant an adoption if a petitioner for adoption has been  
 32 convicted of any of the felonies described as follows:

33 (1) Murder (IC 35-42-1-1).

34 (2) Causing suicide (IC 35-42-1-2).

35 (3) Assisting suicide (IC 35-42-1-2.5).

36 (4) Voluntary manslaughter (IC 35-42-1-3).

37 (5) Reckless homicide (IC 35-42-1-5).

38 (6) Battery as a felony (IC 35-42-2-1).

39 (7) Domestic battery (IC 35-42-2-1.3).

40 (8) Aggravated battery (IC 35-42-2-1.5).

41 (9) Kidnapping (IC 35-42-3-2).

42 (10) Criminal confinement (IC 35-42-3-3).

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- (11) A felony sex offense under IC 35-42-4.
- (12) Carjacking (IC 35-42-5-2).
- (13) Arson (IC 35-43-1-1).
- (14) Incest (IC 35-46-1-3).
- (15) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).
- (16) Child selling (IC 35-46-1-4(d)).
- (17) A felony involving a weapon under IC 35-47 or IC 35-47.5.
- (18) A felony relating to controlled substances under IC 35-48-4.
- (19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.
- (20) A felony that is substantially equivalent to a felony listed in subdivisions (1) through (19) for which the conviction was entered in another state.

However, the court is not prohibited from granting an adoption based upon a felony conviction under subdivision (6), (12), (13), (17), or (18), or its equivalent under subdivision (20), if the offense was not committed within the immediately preceding five (5) year period.

(d) A court may not grant an adoption if the petitioner is a sex ~~or~~ **offender**, violent offender, **or child molester** (as defined in IC 11-8-8-5).

SECTION 28. IC 31-34-1-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 8.5. A child is a child in need of services if the child resides in Indiana and before the child becomes eighteen (18) years of age the child:**

**(1) is found to be:**

**(A) a child in need of services; or**

**(B) the equivalent of a child in need of services; in another jurisdiction;**

**(2) commits, in another jurisdiction, an act described in sections 1 through 8 of this chapter that would make the child a child in need of services if the act were committed in Indiana; or**

**(3) is subject to an act or condition described in sections 1 through 8 of this chapter that would make the child a child in need of services if the act or condition were to take place in Indiana.**

SECTION 29. IC 35-33-8-3.5, AS ADDED BY P.L.74-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.5. (a) This section applies only to a sexually violent predator defendant.

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(b) As used in this section, "sexually violent predator defendant" means a person who:

- (1) is a sexually violent predator under IC 35-38-1-7.5; and
- (2) is arrested for or charged with the commission of an offense that would classify the person as a sex ~~or~~ **offender**, violent offender, **or child molester** (as defined in IC 11-8-8-5).

(c) A court may not admit a:

- (1) sexually violent predator defendant;
- (2) person charged with child molesting (IC 35-42-4-3); or
- (3) person charged with child solicitation (IC 35-42-4-6);

to bail until the court has conducted a bail hearing in open court. Except as provided in section 6 of this chapter, the court shall conduct a bail hearing not later than forty-eight (48) hours after the person has been arrested, unless exigent circumstances prevent holding the hearing within forty-eight (48) hours.

(d) At the conclusion of the hearing described in subsection (c), the court shall consider whether the factors described in IC 35-33-8-4 warrant the imposition of a bail amount that exceeds court or county guidelines, if applicable.

SECTION 30. IC 35-38-1-7.5, AS AMENDED BY P.L.216-2007, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7.5. (a) As used in this section, "sexually violent predator" means a person who suffers from a mental abnormality or personality disorder that makes the individual likely to repeatedly commit a sex offense (as defined in IC 11-8-8-5.2). The term includes a person convicted in another jurisdiction who is identified as a sexually violent predator under IC 11-8-8-20. The term does not include a person no longer considered a sexually violent predator under subsection (g).

(b) A person who:

- (1) being at least eighteen (18) years of age, commits an offense described in:
  - (A) IC 35-42-4-1;
  - (B) IC 35-42-4-2;
  - (C) IC 35-42-4-3 as a Class A or Class B felony;
  - (D) IC 35-42-4-5(a)(1);
  - (E) IC 35-42-4-5(a)(2);
  - (F) IC 35-42-4-5(a)(3);
  - (G) IC 35-42-4-5(b)(1) as a Class A or Class B felony;
  - (H) IC 35-42-4-5(b)(2);
  - (I) IC 35-42-4-5(b)(3) as a Class A or Class B felony;
  - (J) an attempt or conspiracy to commit a crime listed in

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1 clauses (A) through (I); or  
 2 (K) a crime under the laws of another jurisdiction, including  
 3 a military court, that is substantially equivalent to any of the  
 4 offenses listed in clauses (A) through (J);  
 5 (2) commits a sex offense (as defined in IC 11-8-8-5.2) while  
 6 having a previous unrelated conviction for a sex offense for which  
 7 the person is required to register as a sex ~~or~~ **offender**, violent  
 8 offender, **or child molester** under IC 11-8-8;  
 9 (3) commits a sex offense (as defined in IC 11-8-8-5.2) while  
 10 having had a previous unrelated adjudication as a delinquent child  
 11 for an act that would be a sex offense if committed by an adult, if,  
 12 after considering expert testimony, a court finds by clear and  
 13 convincing evidence that the person is likely to commit an  
 14 additional sex offense; or  
 15 (4) commits a sex offense (as defined in IC 11-8-8-5.2) while  
 16 having had a previous unrelated adjudication as a delinquent child  
 17 for an act that would be a sex offense if committed by an adult, if  
 18 the person was required to register as a sex or violent offender  
 19 under IC 11-8-8-5(b)(2);  
 20 is a sexually violent predator. Except as provided in subsection (g) or  
 21 (h), a person is a sexually violent predator by operation of law if an  
 22 offense committed by the person satisfies the conditions set forth in  
 23 subdivision (1) or (2) and the person was released from incarceration,  
 24 secure detention, or probation for the offense after June 30, 1994.  
 25 (c) This section applies whenever a court sentences a person or a  
 26 juvenile court issues a dispositional decree for a sex offense (as defined  
 27 in IC 11-8-8-5.2) for which the person is required to register with the  
 28 local law enforcement authority under IC 11-8-8.  
 29 (d) At the sentencing hearing, the court shall indicate on the record  
 30 whether the person has been convicted of an offense that makes the  
 31 person a sexually violent predator under subsection (b).  
 32 (e) If a person is not a sexually violent predator under subsection  
 33 (b), the prosecuting attorney may request the court to conduct a hearing  
 34 to determine whether the person (including a child adjudicated to be a  
 35 delinquent child) is a sexually violent predator under subsection (a). If  
 36 the court grants the motion, the court shall appoint two (2)  
 37 psychologists or psychiatrists who have expertise in criminal  
 38 behavioral disorders to evaluate the person and testify at the hearing.  
 39 After conducting the hearing and considering the testimony of the two  
 40 (2) psychologists or psychiatrists, the court shall determine whether the  
 41 person is a sexually violent predator under subsection (a). A hearing  
 42 conducted under this subsection may be combined with the person's

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1 sentencing hearing.

2 (f) If a person is a sexually violent predator:

3 (1) the person is required to register with the local law  
4 enforcement authority as provided in IC 11-8-8; and

5 (2) the court shall send notice to the department of correction.

6 (g) This subsection does not apply to a person who has two (2) or  
7 more unrelated convictions for an offense described in IC 11-8-8-4.5  
8 for which the person is required to register under IC 11-8-8. A person  
9 who is a sexually violent predator may petition the court to consider  
10 whether the person should no longer be considered a sexually violent  
11 predator. The person may file a petition under this subsection not  
12 earlier than ten (10) years after:

13 (1) the sentencing court or juvenile court makes its determination  
14 under subsection (e); or

15 (2) the person is released from incarceration or secure detention.

16 A person may file a petition under this subsection not more than one  
17 (1) time per year. A court may dismiss a petition filed under this  
18 subsection or conduct a hearing to determine if the person should no  
19 longer be considered a sexually violent predator. If the court conducts  
20 a hearing, the court shall appoint two (2) psychologists or psychiatrists  
21 who have expertise in criminal behavioral disorders to evaluate the  
22 person and testify at the hearing. After conducting the hearing and  
23 considering the testimony of the two (2) psychologists or psychiatrists,  
24 the court shall determine whether the person should no longer be  
25 considered a sexually violent predator under subsection (a). If a court  
26 finds that the person should no longer be considered a sexually violent  
27 predator, the court shall send notice to the department of correction that  
28 the person is no longer considered a sexually violent predator.  
29 Notwithstanding any other law, a condition imposed on a person due  
30 to the person's status as a sexually violent predator, including lifetime  
31 parole or GPS monitoring, does not apply to a person no longer  
32 considered a sexually violent predator.

33 (h) A person is not a sexually violent predator by operation of law  
34 under subsection (b)(1) if all of the following conditions are met:

35 (1) The victim was not less than twelve (12) years of age at the  
36 time the offense was committed.

37 (2) The person is not more than four (4) years older than the  
38 victim.

39 (3) The relationship between the person and the victim was a  
40 dating relationship or an ongoing personal relationship. The term  
41 "ongoing personal relationship" does not include a family  
42 relationship.

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(4) The offense committed by the person was not any of the following:

(A) Rape (IC 35-42-4-1).

(B) Criminal deviate conduct (IC 35-42-4-2).

(C) An offense committed by using or threatening the use of deadly force or while armed with a deadly weapon.

(D) An offense that results in serious bodily injury.

(E) An offense that is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(5) The person has not committed another sex offense (as defined in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person.

(6) The person did not have a position of authority or substantial influence over the victim.

(7) The court finds that the person should not be considered a sexually violent predator.

SECTION 31. IC 35-38-2-2.2, AS AMENDED BY P.L.119-2008, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.2. As a condition of probation for a sex offender **or child molester** (as defined in IC 11-8-8-4.5), the court shall:

(1) require the sex offender **or child molester** to register with the local law enforcement authority under IC 11-8-8;

(2) prohibit the sex offender **or child molester** from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7), as measured from the property line of the sex offender's **or child molester's** residence to the property line of the school property, for the period of probation, unless the sex offender **or child molester** obtains written approval from the court;

(3) require the sex offender **or child molester** to consent:

(A) to the search of the sex offender's **or child molester's** personal computer at any time; and

(B) to the installation on the sex offender's **or child molester's** personal computer or device with Internet capability, at the sex offender's **or child molester's** expense, of one (1) or more hardware or software systems to monitor Internet usage; and

(4) prohibit the sex offender **or child molester** from:

(A) accessing or using certain web sites, chat rooms, or instant

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1           messaging programs frequented by children; and  
 2           (B) deleting, erasing, or tampering with information on the sex  
 3           offender's **or child molester's** personal computer with intent  
 4           to conceal an activity prohibited by clause (A).

5           If the court allows the sex offender **or child molester** to reside within  
 6           one thousand (1,000) feet of school property under subdivision (2), the  
 7           court shall notify each school within one thousand (1,000) feet of the  
 8           sex offender's **or child molester's** residence of the order. However, a  
 9           court may not allow a sex offender **or child molester** who is a sexually  
 10          violent predator (as defined in IC 35-38-1-7.5) or an offender against  
 11          children under IC 35-42-4-11 to reside within one thousand (1,000)  
 12          feet of school property.

13          SECTION 32. IC 35-38-2-2.4, AS AMENDED BY P.L.173-2006,  
 14          SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15          JULY 1, 2009]: Sec. 2.4. As a condition of probation, the court may  
 16          require a sex offender, **violent offender, or child molester** (as defined  
 17          in IC 11-8-8-5) to:

- 18           (1) participate in a treatment program for sex offenders approved
- 19           by the court; and
- 20           (2) avoid contact with any person who is less than sixteen (16)
- 21           years of age unless the probationer:
- 22                (A) receives the court's approval; or
- 23                (B) successfully completes the treatment program referred to
- 24                in subdivision (1).

25          SECTION 33. IC 35-42-4-11, AS AMENDED BY P.L.216-2007,  
 26          SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27          JULY 1, 2009]: Sec. 11. (a) As used in this section, and except as  
 28          provided in subsection (d), "offender against children" means a person  
 29          required to register as a sex ~~or~~ **offender, violent offender, or child**  
 30          **molester** under IC 11-8-8 who has been:

- 31           (1) found to be a sexually violent predator under IC 35-38-1-7.5;
- 32           or
- 33           (2) convicted of one (1) or more of the following offenses:
- 34                (A) Child molesting (IC 35-42-4-3).
- 35                (B) Child exploitation (IC 35-42-4-4(b)).
- 36                (C) Child solicitation (IC 35-42-4-6).
- 37                (D) Child seduction (IC 35-42-4-7).
- 38                (E) Kidnapping (IC 35-42-3-2), if the victim is less than
- 39                eighteen (18) years of age and the person is not the child's
- 40                parent or guardian.
- 41                (F) Attempt to commit or conspiracy to commit an offense
- 42                listed in clauses (A) through (E).

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(G) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (F).

A person is an offender against children by operation of law if the person meets the conditions described in subdivision (1) or (2) at any time.

(b) As used in this section, "reside" means to spend more than three (3) nights in:

(1) a residence; or

(2) if the person does not reside in a residence, a particular location;

in any thirty (30) day period.

(c) An offender against children who knowingly or intentionally:

(1) resides within one thousand (1,000) feet of:

(A) school property, not including property of an institution providing post-secondary education;

(B) a youth program center; or

(C) a public park; or

(2) establishes a residence within one (1) mile of the residence of the victim of the offender's sex offense;

commits a sex offender residency offense, a Class D felony.

(d) This subsection does not apply to an offender against children who has two (2) or more unrelated convictions for an offense described in subsection (a). A person who is an offender against children may petition the court to consider whether the person should no longer be considered an offender against children. The person may file a petition under this subsection not earlier than ten (10) years after the person is released from incarceration, probation, or parole, whichever occurs last. A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered an offender against children. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person should no longer be considered an offender against children. If a court finds that the person should no longer be considered an offender against children, the court shall send notice to the department of correction that the person is no longer considered an offender against children.

SECTION 34. IC 35-42-4-12, AS ADDED BY P.L.119-2008, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2009]: Sec. 12. (a) This section does not apply to a person to whom all of the following apply:

(1) The person is not more than:

(A) four (4) years older than the victim if the offense was committed after June 30, 2007; or

(B) five (5) years older than the victim if the offense was committed before July 1, 2007.

(2) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.

(3) The crime:

(A) was not committed by a person who is at least twenty-one (21) years of age;

(B) was not committed by using or threatening the use of deadly force;

(C) was not committed while armed with a deadly weapon;

(D) did not result in serious bodily injury;

(E) was not facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and

(F) was not committed by a person having a position of authority or substantial influence over the victim.

(b) This section applies only to a person required to register as a sex ~~or~~ **offender**, violent offender, **or child molester** under IC 11-8-8 who has been:

(1) found to be a sexually violent predator under IC 35-38-1-7.5; or

(2) convicted of one (1) or more of the following offenses:

(A) Child molesting (IC 35-42-4-3).

(B) Child exploitation (IC 35-42-4-4(b)).

(C) Possession of child pornography (IC 35-42-4-4(c)).

(D) Vicarious sexual gratification (IC 35-42-4-5(a) or IC 35-42-4-5(b)).

(E) Sexual conduct in the presence of a minor (IC 35-42-4-5(c)).

(F) Child solicitation (IC 35-42-4-6).

(G) Child seduction (IC 35-42-4-7).

(H) Kidnapping (IC 35-42-3-2), if the victim is less than

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1           eighteen (18) years of age and the person is not the child's  
2           parent or guardian.

3           (I) Attempt to commit or conspiracy to commit an offense  
4           listed in clauses (A) through (H).

5           (J) An offense in another jurisdiction that is substantially  
6           similar to an offense described in clauses (A) through (H).

7           (c) As used in this section, "instant messaging or chat room  
8           program" means a software program that requires a person to register  
9           or create an account, a username, or a password to become a member  
10          or registered user of the program and allows two (2) or more members  
11          or authorized users to communicate over the Internet in real time using  
12          typed text. The term does not include an electronic mail program or  
13          message board program.

14          (d) As used in this section, "social networking web site" means an  
15          Internet web site that:

16           (1) facilitates the social introduction between two (2) or more  
17           persons;

18           (2) requires a person to register or create an account, a username,  
19           or a password to become a member of the web site and to  
20           communicate with other members;

21           (3) allows a member to create a web page or a personal profile;  
22           and

23           (4) provides a member with the opportunity to communicate with  
24           another person.

25          The term does not include an electronic mail program or message  
26          board program.

27          (e) A person described in subsection (b) who knowingly or  
28          intentionally uses:

29           (1) a social networking web site; or

30           (2) an instant messaging or chat room program;

31          that the offender knows allows a person who is less than eighteen (18)  
32          years of age to access or use the web site or program commits a sex  
33          offender Internet offense, a Class A misdemeanor. However, the  
34          offense is a Class D felony if the person has a prior unrelated  
35          conviction under this section.

36          (f) It is a defense to a prosecution under this section that the person:

37           (1) did not know that the web site or program allowed a person  
38           who is less than eighteen (18) years of age to access or use the  
39           web site or program; and

40           (2) upon discovering that the web site or program allows a person  
41           who is less than eighteen (18) years of age to access or use the  
42           web site or program, immediately ceased further use or access of

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the web site or program.

SECTION 35. IC 35-43-1-2, AS AMENDED BY P.L.216-2007,  
SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2009]: Sec. 2. (a) A person who:

- (1) recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent; or
- (2) knowingly or intentionally causes another to suffer pecuniary loss by deception or by an expression of intention to injure another person or to damage the property or to impair the rights of another person;

commits criminal mischief, a Class B misdemeanor. However, the offense is:

(A) a Class A misdemeanor if:

- (i) the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500);
- (ii) the property damaged was a moving motor vehicle;
- (iii) the property damaged contained data relating to a person required to register as a sex ~~or~~ **offender**, violent offender, **or child molester** under IC 11-8-8 and the person is not a sex ~~or~~ **offender**, violent offender, **or child molester** or was not required to register as a sex ~~or~~ **offender**, violent offender, **or child molester**;
- (iv) the property damaged was a locomotive, a railroad car, a train, or equipment of a railroad company being operated on a railroad right-of-way;
- (v) the property damaged was a part of any railroad signal system, train control system, centralized dispatching system, or highway railroad grade crossing warning signal on a railroad right-of-way owned, leased, or operated by a railroad company;
- (vi) the property damaged was any rail, switch, roadbed, viaduct, bridge, trestle, culvert, or embankment on a right-of-way owned, leased, or operated by a railroad company; or
- (vii) the property damage or defacement was caused by paint or other markings; and

(B) a Class D felony if:

- (i) the pecuniary loss is at least two thousand five hundred dollars (\$2,500);
- (ii) the damage causes a substantial interruption or impairment of utility service rendered to the public;

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- 1 (iii) the damage is to a public record;
- 2 (iv) the property damaged contained data relating to a
- 3 person required to register as a sex **or offender**, violent
- 4 offender, **or child molester** under IC 11-8-8 and the person
- 5 is a sex **or offender**, violent offender, **or child molester** or
- 6 was required to register as a sex **or offender**, violent
- 7 offender, **or child molester**;
- 8 (v) the damage causes substantial interruption or impairment
- 9 of work conducted in a scientific research facility;
- 10 (vi) the damage is to a law enforcement animal (as defined
- 11 in IC 35-46-3-4.5); or
- 12 (vii) the damage causes substantial interruption or
- 13 impairment of work conducted in a food processing facility.
- 14 (b) A person who recklessly, knowingly, or intentionally damages:
- 15 (1) a structure used for religious worship;
- 16 (2) a school or community center;
- 17 (3) the grounds:
- 18 (A) adjacent to; and
- 19 (B) owned or rented in common with;
- 20 a structure or facility identified in subdivision (1) or (2); or
- 21 (4) personal property contained in a structure or located at a
- 22 facility identified in subdivision (1) or (2);
- 23 without the consent of the owner, possessor, or occupant of the
- 24 property that is damaged, commits institutional criminal mischief, a
- 25 Class A misdemeanor. However, the offense is a Class D felony if the
- 26 pecuniary loss is at least two hundred fifty dollars (\$250) but less than
- 27 two thousand five hundred dollars (\$2,500), and a Class C felony if the
- 28 pecuniary loss is at least two thousand five hundred dollars (\$2,500).
- 29 (c) If a person is convicted of an offense under this section that
- 30 involves the use of graffiti, the court may, in addition to any other
- 31 penalty, order that the person's operator's license be suspended or
- 32 invalidated by the bureau of motor vehicles for not more than one (1)
- 33 year.
- 34 (d) The court may rescind an order for suspension or invalidation
- 35 under subsection (c) and allow the person to receive a license or permit
- 36 before the period of suspension or invalidation ends if the court
- 37 determines that:
- 38 (1) the person has removed or painted over the graffiti or has
- 39 made other suitable restitution; and
- 40 (2) the person who owns the property damaged or defaced by the
- 41 criminal mischief or institutional criminal mischief is satisfied
- 42 with the removal, painting, or other restitution performed by the

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1 person.

2 SECTION 36. IC 35-50-2-2, AS AMENDED BY P.L.64-2008,  
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2009]: Sec. 2. (a) The court may suspend any part of a  
5 sentence for a felony, except as provided in this section or in section  
6 2.1 of this chapter.

7 (b) Except as provided in subsection (i), with respect to the  
8 following crimes listed in this subsection, the court may suspend only  
9 that part of the sentence that is in excess of the minimum sentence,  
10 unless the court has approved placement of the offender in a forensic  
11 diversion program under IC 11-12-3.7:

12 (1) The crime committed was a Class A felony or Class B felony  
13 and the person has a prior unrelated felony conviction.

14 (2) The crime committed was a Class C felony and less than seven  
15 (7) years have elapsed between the date the person was  
16 discharged from probation, imprisonment, or parole, whichever  
17 is later, for a prior unrelated felony conviction and the date the  
18 person committed the Class C felony for which the person is  
19 being sentenced.

20 (3) The crime committed was a Class D felony and less than three  
21 (3) years have elapsed between the date the person was  
22 discharged from probation, imprisonment, or parole, whichever  
23 is later, for a prior unrelated felony conviction and the date the  
24 person committed the Class D felony for which the person is  
25 being sentenced. However, the court may suspend the minimum  
26 sentence for the crime only if the court orders home detention  
27 under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum  
28 sentence specified for the crime under this chapter.

29 (4) The felony committed was:

30 (A) murder (IC 35-42-1-1);

31 (B) battery (IC 35-42-2-1) with a deadly weapon or battery  
32 causing death;

33 (C) sexual battery (IC 35-42-4-8) with a deadly weapon;

34 (D) kidnapping (IC 35-42-3-2);

35 (E) confinement (IC 35-42-3-3) with a deadly weapon;

36 (F) rape (IC 35-42-4-1) as a Class A felony;

37 (G) criminal deviate conduct (IC 35-42-4-2) as a Class A  
38 felony;

39 (H) except as provided in subsection (i), child molesting  
40 (IC 35-42-4-3) as a Class A or Class B felony, unless:

41 (i) the felony committed was child molesting as a Class B  
42 felony;

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(ii) the victim was not less than twelve (12) years old at the time the offense was committed;

(iii) the person is not more than four (4) years older than the victim, or more than five (5) years older than the victim if the relationship between the person and the victim was a dating relationship or an ongoing personal relationship (not including a family relationship);

(iv) the person did not have a position of authority or substantial influence over the victim; and

(v) the person has not committed another sex offense (as defined in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person;

(I) robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon;

(J) arson (IC 35-43-1-1) for hire or resulting in serious bodily injury;

(K) burglary (IC 35-43-2-1) resulting in serious bodily injury or with a deadly weapon;

(L) resisting law enforcement (IC 35-44-3-3) with a deadly weapon;

(M) escape (IC 35-44-3-5) with a deadly weapon;

(N) rioting (IC 35-45-1-2) with a deadly weapon;

(O) dealing in cocaine or a narcotic drug (IC 35-48-4-1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

(i) school property;

(ii) a public park;

(iii) a family housing complex; or

(iv) a youth program center;

(P) dealing in methamphetamine (IC 35-48-4-1.1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver the methamphetamine pure or adulterated to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

(i) school property;

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- 1 (ii) a public park;  
 2 (iii) a family housing complex; or  
 3 (iv) a youth program center;  
 4 (Q) dealing in a schedule I, II, or III controlled substance  
 5 (IC 35-48-4-2) if the court finds the person possessed a firearm  
 6 (as defined in IC 35-47-1-5) at the time of the offense, or the  
 7 person delivered or intended to deliver to a person under  
 8 eighteen (18) years of age at least three (3) years junior to the  
 9 person and was on a school bus or within one thousand (1,000)  
 10 feet of:  
 11 (i) school property;  
 12 (ii) a public park;  
 13 (iii) a family housing complex; or  
 14 (iv) a youth program center;  
 15 (R) an offense under IC 9-30-5 (operating a vehicle while  
 16 intoxicated) and the person who committed the offense has  
 17 accumulated at least two (2) prior unrelated convictions under  
 18 IC 9-30-5;  
 19 (S) an offense under IC 9-30-5-5(b) (operating a vehicle while  
 20 intoxicated causing death);  
 21 (T) aggravated battery (IC 35-42-2-1.5); or  
 22 (U) disarming a law enforcement officer (IC 35-44-3-3.5).  
 23 (c) Except as provided in subsection (e), whenever the court  
 24 suspends a sentence for a felony, it shall place the person on probation  
 25 under IC 35-38-2 for a fixed period to end not later than the date that  
 26 the maximum sentence that may be imposed for the felony will expire.  
 27 (d) The minimum sentence for a person convicted of voluntary  
 28 manslaughter may not be suspended unless the court finds at the  
 29 sentencing hearing that the crime was not committed by means of a  
 30 deadly weapon.  
 31 (e) Whenever the court suspends that part of the sentence of a sex  
 32 **or offender**, violent offender, **or child molester** (as defined in  
 33 IC 11-8-8-5) that is suspendible under subsection (b), the court shall  
 34 place the sex **or offender**, violent offender, **or child molester** on  
 35 probation under IC 35-38-2 for not more than ten (10) years.  
 36 (f) An additional term of imprisonment imposed under  
 37 IC 35-50-2-11 may not be suspended.  
 38 (g) A term of imprisonment imposed under IC 35-47-10-6 or  
 39 IC 35-47-10-7 may not be suspended if the commission of the offense  
 40 was knowing or intentional.  
 41 (h) A term of imprisonment imposed for an offense under  
 42 IC 35-48-4-6(b)(1)(B) or IC 35-48-4-6.1(b)(1)(B) may not be

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1 suspended.

2 (i) If a person is:

3 (1) convicted of child molesting (IC 35-42-4-3) as a Class A  
4 felony against a victim less than twelve (12) years of age; and

5 (2) at least twenty-one (21) years of age;

6 the court may suspend only that part of the sentence that is in excess of  
7 thirty (30) years.

8 SECTION 37. IC 35-50-5-5 IS ADDED TO THE INDIANA CODE  
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
10 1, 2009]: **Sec. 5. In addition to any sentence imposed under this**  
11 **article for a felony, the court may order the person to register as**  
12 **a sex offender, violent offender, or child molester under IC 11-8-8:**

13 **(1) as a condition for probation; or**

14 **(2) for not more than five (5) years after being released from**  
15 **the department of correction.**

16 SECTION 38. IC 35-50-6-1, AS AMENDED BY P.L.216-2007,  
17 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2009]: Sec. 1. (a) Except as provided in subsection (d) or (e),  
19 when a person imprisoned for a felony completes the person's fixed  
20 term of imprisonment, less the credit time the person has earned with  
21 respect to that term, the person shall be:

22 (1) released on parole for not more than twenty-four (24) months,  
23 as determined by the parole board;

24 (2) discharged upon a finding by the committing court that the  
25 person was assigned to a community transition program and may  
26 be discharged without the requirement of parole; or

27 (3) released to the committing court if the sentence included a  
28 period of probation.

29 (b) This subsection does not apply to a person described in  
30 subsection (d), (e), or (f). A person released on parole remains on  
31 parole from the date of release until the person's fixed term expires,  
32 unless the person's parole is revoked or the person is discharged from  
33 that term by the parole board. In any event, if the person's parole is not  
34 revoked, the parole board shall discharge the person after the period set  
35 under subsection (a) or the expiration of the person's fixed term,  
36 whichever is shorter.

37 (c) A person whose parole is revoked shall be imprisoned for all or  
38 part of the remainder of the person's fixed term. However, the person  
39 shall again be released on parole when the person completes that  
40 remainder, less the credit time the person has earned since the  
41 revocation. The parole board may reinstate the person on parole at any  
42 time after the revocation.

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(d) This subsection does not apply to a person who is a sexually violent predator under IC 35-38-1-7.5. When a sex offender **or child molester** (as defined in IC 11-8-8-4.5) completes the sex offender's **or child molester's** fixed term of imprisonment, less credit time earned with respect to that term, the sex offender **or child molester** shall be placed on parole for not more than ten (10) years.

(e) This subsection applies to a person who:

(1) is a sexually violent predator under IC 35-38-1-7.5;

(2) has been convicted of murder (IC 35-42-1-1); or

(3) has been convicted of voluntary manslaughter (IC 35-42-1-3).

When a person described in this subsection completes the person's fixed term of imprisonment, less credit time earned with respect to that term, the person shall be placed on parole for the remainder of the person's life.

(f) This subsection applies to a parolee in another jurisdiction who is a person described in subsection (e) and whose parole supervision is transferred to Indiana from another jurisdiction. In accordance with IC 11-13-4-1(2) (Interstate Compact for Out-of-State Probationers and Parolees) and rules adopted under Article VII (d)(8) of the Interstate Compact for Adult Offender Supervision (IC 11-13-4.5), a parolee who is a person described in subsection (e) and whose parole supervision is transferred to Indiana is subject to the same conditions of parole as a person described in subsection (e) who was convicted in Indiana, including:

(1) lifetime parole (as described in subsection (e)); and

(2) the requirement that the person wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location, if applicable.

(g) If a person being supervised on lifetime parole as described in subsection (e) is also required to be supervised by a court, a probation department, a community corrections program, a community transition program, or another similar program upon the person's release from imprisonment, the parole board may:

(1) supervise the person while the person is being supervised by the other supervising agency; or

(2) permit the other supervising agency to exercise all or part of the parole board's supervisory responsibility during the period in which the other supervising agency is required to supervise the person, if supervision by the other supervising agency will be, in the opinion of the parole board:

(A) at least as stringent; and

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1 (B) at least as effective;  
 2 as supervision by the parole board.

3 (h) The parole board is not required to supervise a person on  
 4 lifetime parole during any period in which the person is imprisoned.  
 5 However, upon the person's release from imprisonment, the parole  
 6 board shall recommence its supervision of a person on lifetime parole.

7 (i) If a court orders the parole board to place a sexually violent  
 8 predator whose sentence does not include a commitment to the  
 9 department of correction on lifetime parole under IC 35-38-1-29, the  
 10 parole board shall place the sexually violent predator on lifetime parole  
 11 and supervise the person in the same manner in which the parole board  
 12 supervises a sexually violent predator on lifetime parole whose  
 13 sentence includes a commitment to the department of correction.

14 SECTION 39. IC 35-50-6-5, AS AMENDED BY P.L.80-2008,  
 15 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2009]: Sec. 5. (a) A person may, with respect to the same  
 17 transaction, be deprived of any part of the credit time the person has  
 18 earned for any of the following:

19 (1) A violation of one (1) or more rules of the department of  
 20 correction.

21 (2) If the person is not committed to the department, a violation  
 22 of one (1) or more rules of the penal facility in which the person  
 23 is imprisoned.

24 (3) A violation of one (1) or more rules or conditions of a  
 25 community transition program.

26 (4) If a court determines that a civil claim brought by the person  
 27 in a state or an administrative court is frivolous, unreasonable, or  
 28 groundless.

29 (5) If the person is a sex offender, **violent offender, or child**  
 30 **molester** (as defined in IC 11-8-8-5) and refuses to register before  
 31 being released from the department as required under  
 32 IC 11-8-8-7.

33 (6) If the person is a sex offender, **violent offender, or child**  
 34 **molester** (as defined in IC 11-8-8-5) and refuses to participate in  
 35 a sex offender treatment program specifically offered to the sex  
 36 offender by the department of correction while the person is  
 37 serving a period of incarceration with the department of  
 38 correction.

39 However, the violation of a condition of parole or probation may not be  
 40 the basis for deprivation. Whenever a person is deprived of credit time,  
 41 the person may also be reassigned to Class II (if the person is not a  
 42 credit restricted felon) or Class III.

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(b) Before a person may be deprived of earned credit time, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether deprivation of earned credit time is an appropriate disciplinary action for the violation. In connection with the hearing, the person is entitled to the procedural safeguards listed in section 4(e) of this chapter. The person may waive the person's right to the hearing.

(c) Any part of the credit time of which a person is deprived under this section may be restored.

SECTION 40. IC 36-2-13-5.5, AS AMENDED BY P.L.216-2007, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5.5. (a) The sheriffs shall jointly establish and maintain an Indiana sex **offender**, ~~and~~ violent offender, **and child molester** registry web site, known as the Indiana sex **offender**, ~~and~~ violent offender, **and child molester** registry, to inform the general public about the identity, location, and appearance of every sex ~~or~~ **offender**, violent offender, **or child molester** residing within Indiana. The web site must provide information regarding each sex ~~or~~ **offender**, violent offender, **or child molester**, organized by county of residence. The web site shall be updated at least daily.

(b) The Indiana sex **offender**, ~~and~~ violent offender, **and child molester** registry web site must include the following information:

(1) A recent photograph of every sex ~~or~~ **offender**, violent offender, **or child molester** who has registered with a sheriff after the effective date of this chapter.

(2) The home address of every sex ~~or~~ **offender**, violent offender, **or child molester**.

(3) The information required under IC 11-8-8-8.

(c) Every time a sex ~~or~~ **offender**, violent offender, **or child molester** registers, but at least once per year, the sheriff shall:

(1) photograph the sex ~~or~~ **offender**, violent offender, **or child molester**; and

(2) determine whether the sex ~~or~~ **offender's**, violent offender's, **or child molester's** fingerprints are on file:

(A) in Indiana; or

(B) with the Federal Bureau of Investigation.

If it appears that the sex ~~or~~ **offender's**, violent offender's, **or child molester's** fingerprints are not on file as described in subdivision (2), the sheriff shall fingerprint the sex ~~or~~ **offender**, violent offender, **or child molester** and transmit a copy of the fingerprints to the state police department. The sheriff shall place the photograph described in subdivision (1) on the Indiana sex **offender**, ~~and~~ violent offender, **and**

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1 **child molester** registry web site.

2 (d) The photograph of a sex ~~or~~ **offender**, violent offender, **or child**  
3 **molester** described in subsection (c) must meet the following  
4 requirements:

5 (1) The photograph must be full face, front view, with a plain  
6 white or off-white background.

7 (2) The image of the offender's face, measured from the bottom  
8 of the chin to the top of the head, must fill at least seventy-five  
9 percent (75%) of the photograph.

10 (3) The photograph must be in color.

11 (4) The photograph must show the offender dressed in normal  
12 street attire, without a hat or headgear that obscures the hair or  
13 hairline.

14 (5) If the offender normally and consistently wears prescription  
15 glasses, a hearing device, wig, or a similar article, the photograph  
16 must show the offender wearing those items. A photograph may  
17 not include dark glasses or nonprescription glasses with tinted  
18 lenses unless the offender can provide a medical certificate  
19 demonstrating that tinted lenses are required for medical reasons.

20 (6) The photograph must have sufficient resolution to permit the  
21 offender to be easily identified by a person accessing the Indiana  
22 sex **offender**, ~~and~~ violent offender, **and child molester** registry  
23 web site.

24 (e) The Indiana sex **offender**, ~~and~~ violent offender, **and child**  
25 **molester** registry web site may be funded from:

26 (1) the jail commissary fund (IC 36-8-10-21);

27 (2) a grant from the criminal justice institute; and

28 (3) any other source, subject to the approval of the county fiscal  
29 body.

30 SECTION 41. IC 36-2-13-5.6, AS ADDED BY P.L.216-2007,  
31 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 2009]: Sec. 5.6. (a) The legislative body of a county may  
33 adopt an ordinance:

34 (1) requiring the local law enforcement authority (as defined in  
35 IC 11-8-8-2) to collect:

36 (A) an annual sex **offender**, ~~or~~ violent offender, **or child**  
37 **molester** registration fee; and

38 (B) a sex **offender**, ~~or~~ violent offender, **or child molester**  
39 address change fee; and

40 (2) establishing a county sex **offender**, ~~and~~ violent offender, **and**  
41 **child molester** administration fund to fund the administration of  
42 the sex **offender**, ~~and~~ violent offender, **and child molester**

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1 registration system.

2 (b) If an ordinance is adopted under subsection (a), the legislative  
3 body of the county shall establish the amount of the annual sex  
4 **offender, or violent offender, or child molester** registration fee.  
5 However, the annual sex **offender, or violent offender, or child**  
6 **molester** registration fee may not exceed fifty dollars (\$50).

7 (c) If an ordinance is adopted under subsection (a), the legislative  
8 body of the county shall establish the amount of the sex **offender, or**  
9 **violent offender, or child molester** address change fee. However, a sex  
10 **offender, or violent offender, or child molester** address change fee  
11 may not exceed five dollars (\$5) per address change.

12 (d) The legislative body of the county shall determine the manner  
13 in which the local law enforcement authority shall collect the annual  
14 sex **offender, or violent offender, or child molester** registration fee  
15 and the sex **offender, or violent offender, or child molester** address  
16 change fee. However, the annual sex **offender, or violent offender, or**  
17 **child molester** registration fee may be collected only one (1) time per  
18 year. The sex **offender, or violent offender, or child molester** address  
19 change fee may be collected each time a sex **offender, or violent**  
20 **offender, or child molester** registers an address change with the local  
21 law enforcement authority.

22 (e) The local law enforcement authority shall transfer fees collected  
23 under this section to the county auditor of the county in which the local  
24 law enforcement authority exercises jurisdiction.

25 (f) The county auditor shall monthly:

26 (1) deposit ninety percent (90%) of any fees collected under this  
27 section in the county sex **offender, and violent offender, and**  
28 **child molester** administration fund established under subsection  
29 (a); and

30 (2) transfer ten percent (10%) of any fees collected under this  
31 section to the treasurer of state for deposit in the state sex  
32 **offender, and violent offender, and child molester**  
33 administration fund under IC 11-8-8-21.

34 (g) A county fiscal body may appropriate money from the county  
35 sex **offender, and violent offender, and child molester** administration  
36 fund to an agency or organization involved in the administration of the  
37 sex **offender, and violent offender, and child molester** registry to  
38 defray the expense of administering or ensuring compliance with the  
39 laws concerning the Indiana sex **offender, and violent offender, and**  
40 **child molester** registry.

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